

AMENDED IN SENATE JANUARY 5, 2004

SENATE BILL

No. 788

Introduced by Senator Denham

February 21, 2003

~~An act to amend Section 201 of the Food and Agricultural Code, relating to agriculture. An act to amend Sections 35104 and 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, Denham. ~~Agriculture~~ *Vehicles: registration: exemption: hay retriever unit.*

Existing law exempts an automatic bale wagon, as defined, from registration, if the vehicle displays certain identification plates and is transporting baled hay or straw for a distance of not more than 5 continuous road miles on a highway from one parcel of property owned, leased, or controlled by a farmer to another parcel of property owned, leased, or controlled by that farmer.

This bill would exempt a hay retriever unit, as defined, from registration, if the vehicle displays the specified identification plates and is transporting stacked hay or returning from the delivery of stacked hay for a distance of not more than 10 continuous road miles on a highway from one parcel of property owned, leased, or controlled by a farmer to another parcel of property owned, leased, or controlled by that farmer. The bill would make conforming changes.

~~Existing law authorizes the Department of Food and Agriculture to expend in accordance with law all money that is made available for its use.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 201 of the Food and Agricultural Code~~
2 ~~is amended to read:~~
3 ~~201. The department may expend in accordance with law all~~
4 ~~money that is made available for its use.~~
5 *SECTION 1. Section 35104 of the Vehicle Code is amended to*
6 *read:*
7 35104. The limitations as to width do not apply to the
8 following vehicles except that these vehicles ~~shall~~ *may not exceed*
9 a width of 120 inches:
10 (a) Special mobile equipment.
11 (b) Special construction or highway maintenance equipment.
12 (c) Motor vehicles designed for, and used exclusively to, haul
13 feed for livestock that are exempted from registration by
14 subdivision ~~(e)~~ (d) of Section 36102, except when operated on a
15 highway during darkness.
16 *SEC. 2. Section 36102 of the Vehicle Code is amended to read:*
17 36102. The following vehicles are exempt from registration
18 if they have and display identification plates, as specified in
19 Section 5014; and these vehicles, except when operated pursuant
20 to subdivision (k) of Section 36005, shall not be deemed to be
21 implements of husbandry and they shall be subject to all
22 equipment and device requirements as if registered:
23 (a) An automatic bale wagon operated unladen on a highway.
24 (b) An automatic bale wagon when transporting baled hay or
25 straw for a distance of not more than five continuous road miles
26 on a highway from one parcel of property owned, leased, or
27 controlled by a farmer to another parcel of property owned, leased,
28 or controlled by ~~such~~ *that* farmer.
29 (c) *(1) A hay retriever unit that is owned and operated*
30 *exclusively by a farmer or an employee of a farmer when*
31 *transporting stacked hay or returning from the delivery of stacked*
32 *hay for a distance of not more than 10 continuous road miles on*
33 *a highway from one parcel of property owned, leased, or controlled*
34 *by a farmer to another parcel of property owned, leased, or*
35 *controlled by that farmer.*

(2) *Exemption from registration under this subdivision does not exempt a hay retriever unit from the applicable safety requirements of this code or any regulation adopted pursuant to any statute, including, but not limited to, equipment standards, driver licensing requirements, maximum driving and on-duty hours provisions, hours of service requirements, drug and alcohol testing, maintenance of vehicles, and any driver or vehicle standards specified in Division 14.8 (commencing with Section 34500).*

(3) *In order to maintain the exemption from registration granted under this subdivision, the owner shall not operate a hay retriever unit in any manner other than as a hay retriever unit, as defined in Section 36013.*

(d) A motor vehicle ~~which~~ *that* is designed for, and used exclusively to, haul feed for livestock and ~~which~~ *that* is owned and operated exclusively by a farmer or an employee of a farmer. A vehicle exempted by this subdivision may be operated only on those highways that are maintained by local authorities, only pursuant to a permit issued as provided in Section 35780 by the local authority having jurisdiction over the highways used, and only for a distance of not more than five continuous road miles from one parcel of property owned, leased, or controlled by the farmer to another parcel of property owned, leased, or controlled by the farmer. This subdivision does not apply to transportation for compensation.

SEC. 3. *Section 36013 is added to the Vehicle Code, to read:*
36013. *A “hay retriever unit” is a two-axle motortruck that is equipped with a self-loading, hydraulically operated bed designed and used exclusively to transport six tons or less of hay in stacks for short distances from one location to another for the purpose of farming.*